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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 20 June 2016 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

The Permanent Mission of China to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, in accordance with paragraph 40 of Council resolution 2270 (2016), has the honour to submit the report of China on its implementation of Council resolution 2270 (2016) (see annex).

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Annex to the note verbale of 20 June 2016 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

[Original: Chinese]

Report of China on implementation of United Nations Security Council resolution 2270 (2016)

1. China supports the adoption of resolution 2270 (2016) by the Security Council. That resolution clearly expressed the resolute opposition of the international community to nuclear testing and the possession of nuclear weapons by the Democratic People's Republic of Korea, as well as the commitment of the international community to the resolution of the problems of the Korean peninsula by peaceful, diplomatic and political means, while reiterating its support and appeal for the resumption of the Six-Party Talks.

2. China has consistently taken a responsible attitude toward fulfilling its international obligations under the Charter of the United Nations and implementing the resolutions of the Security Council, and has put a series of effective operational mechanisms and practices in place. Following the adoption of resolution 2270 (2016), the Ministry of Foreign Affairs was authorized by the State Council to issue a notification circular requiring the implementation of the resolution by all Chinese Government departments and ministries, provinces, autonomous regions, and province-level municipalities, as well as the Hong Kong and Macao Special Administrative Regions.

3. The following measures have been taken to implement Security Council resolution 2270 (2016):

(a) China has traditionally adopted a serious and responsible approach to the export of military products, and has exercised rigorous management in this area. In accordance with the provisions of the resolution, the Chinese Government has taken measures to prohibit the export to the Democratic People's Republic of Korea of all arms and related materiel, including small arms and light weapons and related materiel, as well as prohibiting the provision to the Democratic People's Republic of Korea of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms and related materiel; it has prohibited any form of technical activities with the Democratic People's Republic of Korea involving launches using ballistic missile technology, including the launching of satellites and space vehicles; it has prohibited the hosting of trainers, advisors, or other officials for the purpose of military-, paramilitary- or police-related training, as well as the provision to the Democratic People's Republic of Korea of specialized teaching of or training in disciplines which could contribute to proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems.

(b) China has instituted a comprehensive system of export-control laws and regulations covering nuclear, biological, chemical and ballistic-missile items and technologies, as well as all military items. The scope of export-control regulations currently in force in China essentially reflects common international practice; it is on this basis that China will continue to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), as well as the lists of items and technologies designated by the Security Council Committee

established pursuant to resolution 1718 (2006) that the Democratic People's Republic of Korea is prohibited from procuring.

To implement the provisions of resolution 2270 (2016) and the decisions of the committee, the Chinese Ministry of Commerce, the Ministry of Industry and Information Technology, the China Atomic Energy Authority and the General Administration of Customs have announced, in accordance with the Foreign Trade Law of the People's Republic of China, a prohibition on the export to the Democratic People's Republic of Korea of dual-use items and technologies related to weapons of mass destruction and their means of delivery.

(c) The Chinese Government has taken measures to require the freezing of funds, financial assets and economic resources on Chinese territory owned or controlled, directly or indirectly, by the persons or entities designated under resolutions 2087 (2013), 2094 (2013) and 2270 (2016) or by the Committee as being engaged in or providing support for, including through other illicit means, nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, of the Democratic People's Republic of Korea, or by persons or entities acting on their behalf or at their direction, and to ensure that any funds, financial assets or economic resources are prevented from being made available by Chinese nationals or by any persons or entities within Chinese territory, to or for the benefit of such persons or entities. The Chinese Government has also taken measures to refuse entry to persons whom the Security Council has requested to be banned from travel, and to close the representative offices in China of entities under sanction.

(d) The Chinese Government has taken measures to deny port entry to the vessels of the Democratic People's Republic of Korea firm Ocean Maritime Management (OMM) listed in Security Council resolution 2270 (2016). In accordance with that resolution, the Chinese Government has also requested cargo inspections and control measures in the shipping and air-cargo domains, including inspection of cargo destined for or originating in the Democratic People's Republic of Korea that is within or transiting through Chinese territory, so as to prevent the transfer of items in violation of the resolutions concerned; it has prohibited the leasing or chartering on behalf of the Democratic People's Republic of Korea of Chinese-flagged vessels by Chinese nationals and persons within China, or the provision to the Democratic People's Republic of Korea of air crews or vessel-crew services; and has prohibited Chinese nationals or entities subject to Chinese jurisdiction from registering vessels in the Democratic People's Republic of Korea, obtaining authorization for a vessel to use the flag of the Democratic People's Republic of Korea, owning, leasing or operating any Democratic People's Republic of Korea-flagged vessels whatsoever, or providing vessel classification, certification, insurance or other services to such vessels.

(e) In order to implement the requirements of resolution 2270 (2016) with regard to mineral products, the Chinese Ministry of Commerce and the General Administration of Customs have announced, in accordance with the Foreign Trade Law of the People's Republic of China, a prohibition on importing coal, iron, iron ore, gold ore, titanium ore, vanadium ore and rare earth minerals from the Democratic People's Republic of Korea, stipulating exceptions for coal, iron and iron ore imports from the Democratic People's Republic of Korea that satisfy the following two requirements: first, that such transactions have been determined to be exclusively for the purposes of people's livelihood and unrelated to generating

revenue for the nuclear or ballistic missile programmes or other activities of the Democratic People's Republic of Korea prohibited by the resolutions, and second, that the coal concerned has been confirmed to have originated outside the Democratic People's Republic of Korea and was transported through the Democratic People's Republic of Korea solely for export from the Port of Rajin, is unrelated to generating revenue for the nuclear or ballistic missile programmes or other activities of the Democratic People's Republic of Korea prohibited by the resolutions, and has undergone the procedures associated with those requirements. Also announced was a prohibition on the export to the Democratic People's Republic of Korea of aviation fuel, stipulating the following two exceptions: first, that the Committee has approved in advance on an exceptional case-by-case basis the transfer to the Democratic People's Republic of Korea of such products for verified essential humanitarian needs, subject to specified arrangements for effective monitoring of delivery and use; and second, that the prohibition shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the Democratic People's Republic of Korea exclusively for consumption during its flight to the Democratic People's Republic of Korea and its return flight.

(f) The Chinese Government has taken measures to implement the provisions of resolution 2270 (2016) regarding financial sanctions, including a prohibition on the opening by Chinese financial institutions of new branch offices in the Democratic People's Republic of Korea and on the opening by Democratic People's Republic of Korea banks of new branch offices in China; the termination of cooperative or agency relationships with Democratic People's Republic of Korea banks; the closing of branch offices of Democratic People's Republic of Korea banks currently operating in China; and the strengthening of the supervision of public and private financial support for China-Democratic People's Republic of Korea trade, in order to ensure that no public or private support is contributed to the nuclear or ballistic-missile programmes or other activities of the Democratic People's Republic of Korea prohibited under Security Council resolutions.

4. Under the "one Country, Two Systems" principle, the Chinese Central Government is responsible for managing the foreign relations and defence of the Hong Kong and Macao Special Administrative Regions of China, while those Regions enjoy executive, legislative and independent judicial power, including that of final adjudication. For this reason, the Hong Kong and Macao Special Administrative Regions shall, upon notification by the Central Government, formulate their own laws and regulations for the practical implementation of resolution 2270 (2016).

5. The Chinese Government is of the view that all countries have the duty comprehensively and faithfully to implement the sanctions provisions of resolution 2270 (2016), but does not favour the arbitrary interpretation or expansion of the sanctions. Resolution 2270 (2016) contains not only sanctions provisions, but also supports and calls for the resumption of the Six-Party Talks and supports the commitments set forth in the Joint Statement of September 2005. The resolution should be implemented in a comprehensive and balanced manner.

6. The Chinese Government has consistently advocated the denuclearization of the Korean peninsula, the maintenance of peace and stability on the Korean peninsula, and the resolution of problems through dialogue and consultation. Sanctions are not a goal, nor can Security Council resolutions fundamentally resolve the nuclear issue on the Korean peninsula. Dialogue and

negotiation are the only correct path toward resolving that issue. To expeditiously improve the situation and explore viable paths toward resolving the nuclear issue on the Korean peninsula, China urges all parties concerned to work in tandem to promote the holding of negotiations on denuclearizing the peninsula and on replacing the Korean armistice with a peace agreement, and to avoid actions that exacerbate tensions on the Korean peninsula. China opposes the deployment of the Terminal High Altitude Area Defence (THAAD) anti-missile system on the peninsula. China will continue to foster communication and coordination among all parties concerned and play a positive and constructive role in the early achievement of durable peace and security on the Korean peninsula.